

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LOIS WILLOW ALLEN, *et al.*,

CASE NO. C18-1344-JCC

11 Plaintiffs,

MINUTE ORDER

v.

12 PUGET SOUND GUARDIANS, *et al.*,

13 Defendants.

14
15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Magistrate Judge Mary Alice Theiler's
18 recommendation that this Court review Plaintiffs' complaint under 28 U.S.C. section
19 1915(e)(2)(B) prior to the issuance of a summons. (Dkt. No. 4.) Judge Theiler's recommendation
20 follows her order finding that Plaintiff Allen financially qualifies for *in forma pauperis* ("IFP")
21 status. (*Id.*)

22 Pursuant to section 1915(e)(2)(B), the Court must dismiss an IFP complaint if the action
23 fails to state a claim, raises frivolous or malicious claims, or seeks monetary relief from a
24 defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). "[A] complaint must
25 contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its
26 face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S.

1 544, 570 (2007)). “A claim has facial plausibility when the plaintiff pleads factual content that
2 allows the court to draw the reasonable inference that the defendant is liable for the misconduct
3 alleged.” *Iqbal*, 556 U.S. at 678.

4 In their complaint, Plaintiffs allege that Plaintiff Herron “is illegally confined, over
5 medicated, caused to suffer irretrievable health, robbed with false claims of his freedom and
6 money.” (Dkt. No. 1-1 at 5.) They seek “the freedom of [Plaintiff] Stewart Herron and
7 compensation as the court sees fit.” (*Id.*) Plaintiffs allege violations of the “[r]ight to life, liberty,
8 and pursuit of happiness,” the “[r]ight to a fair trial” because “King County Courts did evil,” and
9 the “[r]ight to privacy.” (*Id.* at 3.) Plaintiffs provide no further information on the nature of the
10 allegations or a legal theory supporting the relief they seek. Instead, Plaintiffs refer the Court to a
11 256-page exhibit, which includes drug side effects information, many documents detailing the
12 sale of real property, various guardianship motions filed in various courts, and allegations of
13 unfair or conspiratorial guardianship hearings. (*See generally* Dkt. No. 5-1.) Additionally, if
14 federal review of Plaintiff Herron’s guardianship proceedings is what Plaintiff Allen seeks, she
15 fails to allege why this Court has jurisdiction to do so.

16 Even in applying the Ninth Circuit’s directive to construe *pro se* complaints liberally, the
17 Court cannot find that Plaintiffs have stated a claim upon which relief can be granted. *See Hebbe*
18 *v. Pliler*, 627 F.3d 338, 342 (9th Cir. 2010). Because it is not “absolutely clear that no
19 amendment can cure the defect[s],” Plaintiffs’ case is DISMISSED without prejudice. *See Lucas*
20 *v. Dep’t of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Plaintiffs may file an amended complaint no
21 later than December 5, 2018. The Court will only order service if the amended complaint meets
22 the requirements of Federal Rule of Civil Procedure 8. Specifically, Plaintiffs must allege a short
23 and plain statement of the facts supporting each claim against each named Defendant, a basis for
24 the Court’s jurisdiction, the relief Plaintiffs seek, and a cognizable theory for that relief.

25 The Clerk is DIRECTED to mail a copy of this order to Plaintiff Allen at 77 S.
26 Washington Street, Seattle, Washington 98104 and to Plaintiff Herron at 745 N. 180th Street,

1 Shoreline, Washington 98133. The Clerk is directed to RENOTE Plaintiff's motion to appoint
2 counsel (Dkt. No. 6) for December 5, 2018.

DATED this 14th day of November 2018.

William M. McCool
Clerk of Court

s/Tomas Hernandez
Deputy Clerk